

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: StaceyAnn McFarlane-Ross	Team: Squad #15	CCRB Case #: 201710433	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 12/08/2017 5:38 PM	Location of Incident: Parking lot of Exposure Dance Studio at 1434C Richmond Road	Precinct: 122	18 Mo. SOL 6/8/2019	EO SOL 6/8/2019	
Date/Time CV Reported Sun, 12/17/2017 6:10 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 12/17/2017 6:10 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Kristen Caldararo	30512	938148	122 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Robert Ruhl	03485	953350	122 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Kristen Caldararo	Abuse: Police Officer Kristen Caldararo threatened to arrest § 87(2)(b)	
B.POF Kristen Caldararo	Abuse: Police Officer Kristen Caldararo refused to provide her name to § 87(2)(b)	

Case Summary

On December 17, 2017, § 87(2)(b) filed this complaint with the New York City Civilian Complaint Review Board via its online website.

On December 8, 2017, at approximately 5:38 p.m., § 87(2)(b) contacted the police to aid in family dispute, which involved her ex-boyfriend, § 87(2)(b) and their § 87(2)(b) old daughter, in the parking lot of 1434 C Richmond Road in Staten Island. PO Kristen Caldararo and PO Robert Ruhl, from the 122nd Precinct responded to the location and spoke to § 87(2)(b) who was standing outside of his car. A few minutes later, PO Caldararo and PO Ruhl approached § 87(2)(b) who was still inside of her car. PO Caldararo asked § 87(2)(b) for her identification and asked her whose visitation day it was. After handing PO Caldararo her driver's license, § 87(2)(b) explained that it was § 87(2)(b) visitation day and that she has numerous domestic incident reports in the system as their daughter refuses to go with § 87(2)(b). During that time, § 87(2)(b) only informed PO Caldararo that her right hand was in pain and PO Caldararo informed her that she was not filing a report. After that PO Caldararo asked § 87(2)(b) to speak with her daughter who was inside of her car.

After speaking with § 87(2)(b)'s daughter, PO Caldararo informed § 87(2)(b) that she would file a custody report for § 87(2)(b) as § 87(2)(b) would not allow their daughter to go with § 87(2)(b). PO Caldararo and PO Ruhl left § 87(2)(b) to speak with § 87(2)(b) and § 87(2)(b) went back inside of her car. A few minutes later, PO Caldararo and PO Ruhl returned to § 87(2)(b) and PO Caldararo handed § 87(2)(b) her driver's license. At that point, § 87(2)(b) asked PO Caldararo why she would not file a complaint as she was in pain, and PO Caldararo responded, "Because he's making allegations and so are you, and if you're both making allegations then both of you will be arrested and your daughter can go to ACS" (**Allegation A: Abuse of Authority**, § 87(2)(g)). After PO Caldararo made the statement, § 87(2)(b) asked her for her name but PO Caldararo did not respond (**Allegation B: Abuse of Authority**, § 87(2)(g)).

The investigation was unable to obtain video footage for this case.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Kristen Caldararo threatened to arrest

§ 87(2)(b)

§ 87(2)(b) (BR 01, 02, 03), testified that she and § 87(2)(b) were in a dispute which led to a physical altercation that resulted with her right hand being in pain and being choked. When PO Caldararo and PO Ruhl responded to the location she asked PO Caldararo to file a report as she was in pain. PO Caldararo threatened to arrest her when she made the statement, "Because he's making allegations and so are you, and if you're both making allegations then both of you will be arrested and your daughter can go to ACS." PO Caldararo did not inform § 87(2)(b) of the allegations made by § 87(2)(b) but explained a few days later she learned from ACS that § 87(2)(b) was arrested the day after the incident and he made an allegation that § 87(2)(b) attempted to run him over with her car.

PO Caldararo (BR 04) acknowledged threatening to arrest § 87(2)(b) by making the statement, “Because he’s making allegations and so are you, and if you’re both making allegations then both of you will be arrested and your daughter can go to ACS,” as § 87(2)(b) could be arrested for assaulting § 87(2)(b). PO Caldararo explained when she spoke to § 87(2)(b) he informed her that he entered § 87(2)(b)’s vehicle and they got into a physical altercation resulting with both of them hitting one another. She explained neither § 87(2)(b) nor § 87(2)(b) informed her that they had any visible bruises or injuries resulting from the physical altercation that they had. PO Caldararo explained since both § 87(2)(b) and § 87(2)(b) were making cross complaints without visible injuries they both could have been arrested. PO Caldararo explained this to both § 87(2)(b) and § 87(2)(b) and § 87(2)(b) was more concerned about getting his daughter.

PO Ruhl (BR 05) testified he heard PO Caldararo make the statement, “Because he’s making allegations and so are you, and if you’re both making allegations then both of you will be arrested and your daughter can go to ACS.” PO Ruhl explained to the undersigned investigator that § 87(2)(b) could have been arrested for endangering the welfare of a child. PO Ruhl explained § 87(2)(b) informed him and PO Caldararo that § 87(2)(b) had punched and kicked him out of her car prior to their arrival.

According to the NYPD Patrol Guide 208-01, Section 3B, an officer may make an arrest without a warrant for a crime (within presence or not) and reasonable cause exists that arrested person committed the crime (BR 08).

§ 87(2)(g)
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Allegation (B) Abuse of Authority: Police Officer Kristen Caldararo refused to provide her name to § 87(2)(b)

§ 87(2)(b) explained that after PO Caldararo threatened to arrest her, she asked her for her name but PO Caldararo did not respond. § 87(2)(b) explained by this time, she was inside of her car while § 87(2)(b) remained 30 to 40 feet away from her.

PO Caldararo initially explained she did not recall if § 87(2)(b) asked her for her name. PO Caldararo later stated, she did not hear § 87(2)(b) ask her for her name. During this time, PO Caldararo stood directly in front of § 87(2)(b).

PO Ruhl explained although he stood approximately five feet away from § 87(2)(b) and PO Caldararo, he did not hear § 87(2)(b) ask PO Caldararo for her name. During this time, § 87(2)(b) remained at his car, approximately 60 feet away from § 87(2)(b).

§ 87(2)(g)
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§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to two CCRB complaints and has been named a victim of two allegations (BR 07):
 - § 87(2)(g)
- PO Kristen Caldararo has been a member of service for 12 years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of March 8, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim (BR 09).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date